

REPORT OF THE COMMITTEE ON PUBLIC HEALTH, SAFETY & WELFARE

Voting Members:

Brandon J. C. Elefante, Chair; Kymberly Marcos Pine, Vice Chair;
Ikaika Anderson, Ernest Y. Martin, Trevor Ozawa;

Committee Meeting Held
May 23, 2017

Honorable Ron Menor
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Health, Safety and Welfare, which considered Bill 6 (2017), CD1 entitled:

"A BILL FOR AN ORDINANCE RELATING TO MOBILE ELECTRONIC DEVICES,"

which passed second reading and had a public hearing held at the March 22, 2017 Council meeting, reports as follows:

The purpose of the Bill is to regulate the use of mobile electronic devices by certain persons.

Your Committee, at its May 2, 2017 Committee meeting, amended Bill 6 (2017), CD1 to a CD2 version, but recommended that action be deferred. The CD2 version makes the following amendments:

1. Deletes the prohibition against operating a motor vehicle while using a mobile electronic device because this prohibition is now set forth in HRS Section 291C-137. Also deletes other provisions of ROH Section 15-24.23 that relate to motor vehicles and the operation thereof.
2. Deletes the word "person" from subsection (a) and replaces it with the word "pedestrian."

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

JUL 12 2017

COMMITTEE REPORT NO. **211**

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Page 2

3. Amends the definition of "Emergency responders" by deleting the phrase "civil defense workers" and replacing it with "emergency management workers." This mirrors the definition in HRS Section 291C-137(e).
4. Makes miscellaneous technical and nonsubstantive amendments.

Honolulu Police Department ("HPD") Captain Thomas Taflinger testified that safety is a shared responsibility between pedestrians and drivers and there needs to be a collaborative effort.

In response to a question from Committee Chair Brandon Elefante regarding the Bill's enforceability, Captain Taflinger stated that the Bill is enforceable and that HPD is committed to educational outreach efforts such as going to schools, utilizing each district's community policing teams to inform communities, and partnering with the State Department of Transportation to provide pertinent information about the Bill for their website.

Your Committee received testimony from one individual in opposition to the Bill.

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Page 3

Your Committee on Public Health, Safety and Welfare is in accord with the intent and purpose of Bill 6 (2017), CD1, as amended at its May 2, 2017 meeting, and recommends that it pass third reading in the form attached hereto as Bill 6 (2017), CD2. (Ayes: Elefante, Anderson, Menor (temporary voting member) – 3; Noes: None; Excused: Martin, Ozawa, Pine - 3.)

Respectfully submitted,



Committee Chair

At the 6/7/17 Council meeting, the Bill was amended.
At the 7/12/17 Council meeting, the Bill was further amended and subsequently passed final reading as Bill 6, CD1, FD2.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

JUL 12 2017

COMMITTEE REPORT NO. 211



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 6 (2017), CD2

A BILL FOR AN ORDINANCE

RELATING TO MOBILE ELECTRONIC DEVICES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to regulate the use of mobile electronic devices by certain persons.

SECTION 2. Section 15-24.23, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 15-24.23 Mobile electronic devices.

- (a) ~~[No person shall operate a motor vehicle while using a mobile electronic device.]~~
No pedestrian shall cross a street or highway while viewing a mobile electronic device.
- (b) ~~[The use of a mobile electronic device for the sole purpose of making a "911" emergency communication shall be]~~ It is an affirmative defense to [this ordinance.] any citation for a violation of subsection (a) that the cited person was engaged in making a "911" emergency communication with a mobile electronic device.
- (c) ~~[The following persons shall be exempt from the provisions of subsection (a):~~
 - ~~{1}]~~ Emergency responders ~~[using]~~ viewing a mobile electronic device while in the performance and scope of their official duties;
 - ~~{2}] Drivers using two-way radios while in the performance and scope of their work-related duties;~~
 - ~~{3}] Drivers holding a valid amateur radio operator license issued by the Federal Communications Commission and using a half-duplex two-way radio.]~~ are exempt from subsection (a).



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 6 (2017), CD2

A BILL FOR AN ORDINANCE

(d) As used in this section:

"Emergency responders" include firefighters, emergency medical technicians, mobile intensive care technicians, ~~[civil defense workers,]~~ emergency management workers, police officers, and federal and state law enforcement officers.

"Mobile electronic device" means any handheld or other portable electronic equipment capable of providing wireless and/or data communication between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer, video game, or digital photographic device, but does not include any audio equipment ~~[or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle or video entertainment to the passengers in the rear seats of the motor vehicle].~~

~~["Operate" a motor vehicle means the same as defined in HRS Section 291E-1.]~~

~~["Use or using" means holding a mobile electronic device while operating a motor vehicle.]~~

"Viewing" means looking in the direction of the screen of a mobile electronic device."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 6 (2017), CD2

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect ninety days after its approval.

INTRODUCED BY:

Brandon Elefante

DATE OF INTRODUCTION:

January 12, 2017
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu